

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LOUIS BRUCE)	
)	
Plaintiff,)	
)	Case No.: 1:09-cv-04837
v.)	
)	Judge Robert M. Dow, Jr.
CITY OF CHICAGO, VINCENT)	
VOGT, JOSEPH FOLEY AND)	Magistrate Judge Susan E. Cox
MARK WESSELHOFF)	
)	
Defendants.)	

FINAL PRETRIAL ORDER

The parties, through counsel, respectfully submit the following joint final pre-trial order.

This Order will control the course of the trial and may not be amended except by consent of the parties and the court, or by order of the court to prevent manifest injustice.

1. Jurisdiction.

This case arises under 42 U.S.C. § 1983 and the statutes and common law of the state of Illinois. Jurisdiction for Plaintiff's federal claims is based on 28 U.S.C. §§ 1331 and 1333(a). Jurisdiction for Plaintiff's state claims is based on supplemental jurisdiction pursuant to 28 U.S.C. § 1337(a).

2. Claims.

This case arises from two incidents that occurred on approximately August 13, 2008, and August 16, 2008, in the City of Chicago. Plaintiff Louis Bruce alleges that Defendants Vincent Vogt, Joseph Foley, and Mark Wesselhoff, unreasonably seized him, falsely arrested him, and maliciously prosecuted him.

Defendants deny the allegations made by Plaintiff.

3. **Relief Sought.**

Plaintiff is seeking compensatory damages for emotional distress and loss of liberty, which were caused by the conduct of the Defendants. Plaintiff will also be seeking punitive damages for the egregious conduct of the Defendants.

Plaintiff will also seek attorneys' fees and costs if prevailing party.

4. **Witnesses.**

Plaintiff's Witness List

Plaintiff will call:

1. Louis Bruce
2. Dino Godfrey
3. Vanessa Hayes
4. Vincent Vogt
5. Joseph Foley
6. Mark Wesselhoff

Plaintiff may call:

7. Dawn Sheikh

Defendants' Witness List

Defendants will call:

1. Louis Bruce;
2. Vincent Vogt;
3. Joseph Foley;
4. Mark Wesselhoff;

5. Chicago Police Department - Records Keeper

Defendants may call:

1. Dino Godfrey;
2. Vanessa Hayes;

a. **Objections to Witnesses**

Plaintiff's Objections to Defendants' Witnesses

Plaintiff has no objections to Defendants witnesses.

Defendants' Objections to Plaintiff's Witnesses

Defendants have no objections to Plaintiff's witnesses.

b. **Depositions**

At the present time, the parties do not anticipate reading depositions into evidence, but may use deposition testimony for impeachment or for declarations of a party opponent. In the event that a witness becomes unavailable, the parties reserve the right to read a deposition into evidence.

c. **Experts**

The parties are not calling experts.

5. **Exhibits.**

Plaintiff's Exhibit List

Plaintiff will seek admission of the following exhibits:

1. Criminal Complaint signed by Defendant Foley;
2. Certified disposition of Plaintiff's criminal case;

The following exhibits will be used to impeach, refresh recollection, for party admissions or for another limited purpose:

3. Plaintiff's arrest report;
4. Vice case report;
5. Transcript of Plaintiff's violation of probation hearing;
6. Deposition of Defendant Foley;
7. Deposition of Defendant Vogt;
8. Deposition of Defendant Wesselhoff;
9. Defendant Foley's answers to Plaintiff's interrogatories;
10. Defendant Vogt's answers to Plaintiff's interrogatories; and
11. Defendant Wesselhoff's answers to Plaintiff's interrogatories.

Defendants' Exhibit List

Defendants will seek admission of the following exhibits:

1. City of Chicago Police Department – Attendance and Assignment Record for District 012 on August 13, 2008;
2. City of Chicago Police Department – Louis Bruce's Mug Shot taken August 16, 2008;

Plaintiff objects: See Plaintiff's Motion in Limine

3. City of Chicago Police Department, Inventory No. 11398816;

Plaintiff objects: See Plaintiff's Motion in Limine

4. 16 small baggies containing a white powder substance, suspect heroin;

Plaintiff objects: See Plaintiff's Motion in Limine

5. Certified Disposition of Plaintiff's Criminal Case 05 CR 2498;

Plaintiff objects: See Plaintiff's Motion in Limine

6. Certified Disposition of Plaintiff's Criminal Case 04 CR 1287;

Plaintiff objects: See Plaintiff's Motion in Limine

7. Criminal Information No. 08 CR 17115;
8. Satellite Photograph – Area of 1542 West Washburne Avenue, Chicago, Illinois;
9. Map – Area of 1542 West Washburne Avenue, Chicago, Illinois;
10. Group of twelve (12) photographs of the area of 1542 West Washburne Avenue, Chicago, Illinois;

The following exhibits will be used to impeach, refresh recollection, for party admissions or for another limited purpose:

11. City of Chicago Police Department – Vice Case Report;
 12. City of Chicago Police Department – Arrest Report dated August 16, 2008;
 13. City of Chicago Police Department – Criminal History Report for Louis Bruce;
- Plaintiff objects: See Plaintiff's Motion in Limine*
14. Transcript of Louis Bruce's violation of probation hearing;
 15. Deposition of Louis Bruce; and
 16. Plaintiff Louis Bruce's Answers to Defendants' Interrogatories.

6. **Type and Length of Trial.**

Trial of this case is expected to take 3 days and is scheduled to commence on April 11, 2011 at 9:00 a.m. This is a jury trial. The Plaintiff recommends that 8 jurors and the Defendants recommends that 12 jurors be selected at the commencement of the trial.

7. **Proposed finding and conclusions.**

N/A

8. **Proposed voir dire questions.**

Plaintiff's proposed voir dire

1. Do you belong to any clubs or organizations?
2. Have you ever been in court under any circumstances, including as a witness, or merely as an observer, or with friends?
3. Have you ever been a party to a lawsuit?
4. Has anyone in your family ever been a party to a lawsuit?
5. Do you have friends or relatives who are lawyers or judges?
6. Have you or anyone in your family ever served in the military?
7. What is your source for news? How often do you read a newspaper? How often do you watch the news on television?
8. Have you ever taken an active interest in politics, other than voting? Have you ever worked for a campaign for somebody running for office?
9. Have you ever had any affiliation with the City of Chicago?
10. Do you have any relatives or friends who are employees of, or have worked for the City of Chicago, or affiliated with Chicago in any way?
11. Have you ever worked as a police officer, security guard, or in law enforcement in any capacity?
12. Do you have any relatives or friends who are police officers, or have been police officers?
13. Would you be inclined to believe the testimony of a police officer over a civilian simply because that person is a police officer?
14. Do you feel the police are treated unfairly by the media and get too much bad publicity?
15. Do you think the police are sued too much?
16. Do you think it's wrong to sue a police officer?
17. Do you think that it's wrong to allow civilians to bring lawsuits against police officers challenging the manner in which they do their job?
18. Do you think that police officers, like everyone else, are capable of making

mistakes? Do you think that police officers, like everyone else, should be held responsible for damages and injuries caused by their mistakes?

19. Because of your respect for and appreciation of the police, would it be hard for you to find that a police officer did something wrong and hold him accountable?

20. Have you ever participated in any type of "support the local police" campaign?

21. Do you have any views about the crime problem in Chicago? Do you think the police should just be left alone to do their job and fight crime?

22. Do you think society has become too soft on crime?

23. We all have great respect for police officers. But is there anyone here who feels that police officers are so special that they can do no wrong?

24. Have you posted a comment online to a news story regarding the police?

25. What are your feelings about our court system which allows juries to resolve disputes and allegations of misconduct? Do you think that there are too many frivolous lawsuits? Do you think that juries award too much money?

26. Do you think that emotional distress or pain and suffering is something that you could not give money damages for?

27. The burden of proof in this case is preponderance of the evidence. Can you apply that standard? Do you think its unfair to the Defendants?

28. Do you think that the police receive any kind of special training about how to testify in court?

29. Some people think that even though the police make mistakes and arrest the wrong person or use more force than necessary, that is the price we have to pay for police protection. What is your opinion about that?

30. How much of a problem do you think racial discrimination is today?

31. Have you ever been in a situation in which you felt racial tension?

Defendants' proposed voir dire

EMPLOYMENT

1. What is your annual household income?

2. What is your current occupation/job title, how long have you been in that field, describe what you do, what is the name of your employer?
3. Please tell us all of your prior occupations and employers.
4. If you are unemployed, please tell us the reason for your unemployment.
5. What are the occupations and/or employers of any adult children?

EDUCATION

6. How many years of school have you completed? What schools did you attend? What did you study? What degrees or certificates did you obtain?
7. Do you still or do you plan on attending school in the future? If so, what do you plan to study?

MILITARY BACKGROUND

8. Have you, your spouse/partner, or other close family members ever served in the military?

ORGANIZATIONS, CLUB, ETC.

9. What civic, social, religious, professional, or trade clubs or organizations do you now belong to?
 - (a) What similar organizations have you belonged to in the past?
10. Tell us of any office or title you currently hold, or have held in the past, in these or other organizations.

MOVIES, TV, BOOKS, ETC.

11. Do you watch movies in theaters? If so, how often and tell us the titles to the last three movies you have seen.
12. Do you read in your spare time? If so, tell us the book(s) you are now reading or have read in the last year.
13. How often do you read the newspaper?
14. What magazine(s) do you read regularly?

15. Do you watch television?
 - (a) If yes, which programs do you tend to watch on a regular basis?
 - (b) Do you ever watch TV programs that show real life police activities, like programs named "Cops" or "America's Most Wanted?" If yes, how often?
16. Which radio station(s) do you generally listen to?
17. How often do you listen to news on radio or television?
18. What is the most important source of news for you?
19. What are your leisure time activities or interests?

SPOUSE/PARTNER

20. With regards to your spouse/partner:
 - (a) What is his/her age?
 - (b) Where was s/he born?
 - (d) What is her/her current employment status?
 - (e) What is his/her occupation (or what was it, if retired or unemployed?)
 - (f) By who is s/he employed?
 - (g) How long has s/he worked there?
 - (h) Please tell us the nature of his/her job.
 - (i) Please tell us the main job s/he has had as an adult.

21. What is the last level of education s/he completed?

LAW ENFORCEMENT CONTACT

22. Have you ever called the police for any reason? If yes, please explain.
23. Have you, or has any close friend or relative, ever considered working in law enforcement?
24. Have you had any training, courses, or work experience in law enforcement, criminal justice, administration of justice, or law? If yes, please explain.
25. Have you ever been on a "ride-along" with police officers?

26. In general, how would you rate the job the police in your community are doing in dealing with crime?

27. Do you think that law enforcement officers treat people differently in low income neighborhoods than they do in middle or high income neighborhood? If yes, why?

28. Do you think that police officers treat criminal suspects differently in low income neighborhoods than in middle or high income neighborhood? If yes, why?

29. What are your general views about the police and the role of police in the community?

COURT EXPERIENCE

30. Have you, or any close friend or relative, been the victim of, or witness to, any kind of crime, whether it was reported to law enforcement authorities or not (including robbery, burglary, assault, sexual assault, etc.)?

(a) If yes, how did you, or the person close to you, feel that the police or law enforcement agency handled the situation?

31. If there was a court hearing for the case or cases described, did you or any close friend or relative testify in court? If yes, who testified, and how did you or your close friend or relative feel about testifying?

32. Have you, or has any close friend or relative, ever been charged with a crime?

33. Have you ever had to appear in court, or in any court proceeding, as a plaintiff, defendant, victim, or witness for any reason other than you have indicated above?

34. As a result of any experience described above, is there anything that would cause you to lean in favor of either the Plaintiff or the Defendant in this case?

CRIME

35. How serious a problem do you think crime is in your neighborhood?

36. Have you ever moved or considered moving because you thought crime was a problem in your neighborhood?

37. Have you taken any extra precautions to protect yourself, your family, or your home from crime?

38. Have you, or has someone you know, ever changed your behavior because

of concern about becoming a crime victim?

39. To your knowledge, is there a crime watch in your neighborhood?
40. In your opinion, what are the major causes of crime?
41. Have you, or has someone you know, ever been employed by a law enforcement agency or by any other law enforcement organization (as an employee or volunteer)?

PRIOR LEGAL TRAINING

42. Have you, or has any close friend or relative, had any legal training (including law courses, paralegal programs, or on-the-job training)?
43. Do you or your spouse have any legal training, or have you or your spouse taken any law courses? If so, tell us the training and/or courses.
44. Do you know any lawyers, judges, or court personnel?

PRIOR JURY SERVICE

45. Have you ever served on a jury before?
 - (a) Have you ever as a jury foreperson?
 - (b) How did you feel about your experience as a juror?
 - (c) Was there anything about your experience as a juror which would make you not want to serve again?
 - (d) Were you contacted by or interviewed by anyone concerning your jury experience after the conclusion of the case?
 - (e) If yes, by whom were you contacted?
46. Have you ever served on a grand jury or coroner's jury?

GENERAL QUESTIONS

47. Is there any matter not covered by this questionnaire that should be brought to the attention of the Court because it would affect your ability to be fair an impartial juror?
48. Is there any matter you would prefer to discuss privately with the judge?
49. Do you have any specific problems at home or at work that might interfere with your ability to concentrate on the case during trial?

50. Do you have any medical condition that would make it difficult for you to serve as a juror?

51. What is the condition of your hearing?

52. What is the condition of your eyesight?

53. Are you willing, as a juror, to remain as long as necessary to reach a verdict in the case, even if the proceeding lasts longer than the estimate given by the Court?

54. Do you have any specific problems dealing with stress or pressure? If yes, please explain.

55. Do you generally "hold your ground" when you feel that you are correct? Are you easily swayed by the strong influence of others? (Explain).

56. What are the most serious criminal cases you have followed in the media in the last five years?

(a) Please describe your reaction, if any, to the outcome of those cases.

57. What are the most serious cases involving allegations of police misconduct you have followed in the media in the past five (5) years?

(a) Please describe your reaction, if any, to the outcome of those cases.

58. Have you formed any opinion about this case so far?

(a) If yes, what is the opinion?

(b) Do you still hold that opinion?

(c) Can you set aside any opinion and decide the case on the evidence presented in court, and the instructions on the law that the Court gives you? Why or why not?

(d) Is there any particular reason that you would like to be a juror on this case, or would not like to be a juror on this case, please explain.

9. Jury Instructions

See Attachment A – Plaintiff's Proposed Jury Instructions

See Attachment B – Defendants Proposed Jury Instructions

10. **Trial Briefs**

N/A

11. **Discovery**

All discovery is complete.

12. **Motion in Limine**

The parties have filed motions *in limine* contemporaneously with this document.

Respectfully submitted,

/s/ Louis J. Meyer
Counsel for the Plaintiff
Jackowiak Law Offices
20 North Clark Street, Suite 1700
Chicago, Illinois 60602
(312) 795-9595

/s/ Anthony L. Schumann
Counsel for Defendants
Grant Schumann, LLC.
230 W. Monroe Street, Suite 240
Chicago, Illinois 60606
(312) 551-0111